

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RALPH D. HIGGINS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Case No. 4:08CV01237 ERW

MEMORANDUM AND ORDER


This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge David D. Noce [doc. #18], pursuant to 29 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate Judge's Report and Recommendation in its entirety. The Social Security Commissioner's decision denying Plaintiff's claims for disability benefits is reversed and remanded for further proceedings.

Accordingly,

IT IS HEREBY ORDERED that under sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner of Social Security denying Plaintiff Ralph D. Higgins disability benefits is **REVERSED AND REMANDED**, for further proceedings consistent with this Order, and the Report and Recommendation of United States Magistrate Judge David D. Noce.

Dated this 22nd Day of February, 2010.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE